

# **BOARD NEWS**

## **Spring 2001**

Dear Physical Therapists and Assistants:  
(By: Sally B. Oxley PT, CRT, Board Chair)

We are pleased to be able to include along with this issue our complete Law Booklet. This booklet contains the Statutory Law, Regulatory Rules and Procedural Rules that help us to govern the practice of Physical Therapy in the State of WV. I believe that you will find it easy to read as well as an excellent resource tool for references purposes. This copy is complimentary; additional copies may be purchased through the office at a cost of \$20.00 each.

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### **Annual Meeting of the Federation of State Boards of Physical Therapy (FSBPT)**

This year's annual meeting was held in Scottsdale, Arizona, April 20 - 23. Frankie Cayton, WV Board Administrator, Shirley Wooton, Public Board Member and I attended. The theme of this year's meeting was "Collaboration and Change: Bringing People Together".

All of the participants at the meeting were inspired by the collaborative efforts that occur daily in the Federation. In its job to assist Member Boards to protect the public and regulate the practice of physical therapy, the Federation works closely with many groups. There is an ongoing dialogue with the A.P.T.A. on issues such as the Model Practice Act, continued competence, educational standards for foreign- trained physical therapists, telehealth and veterinary physical therapy. The Federation also assists individual State Boards as they try to transition their practice acts to be more in line with the Model Practice Act. Collaboration occurs with the Canadian Alliance of Physical Therapy, The Student Assembly of the A.P.T.A. and the Healthcare Finance Administration (RCFA).

Some of the issues that have been raised and will be addressed in the future by the Federation are:

- Scope of Practice for Physical Therapists
- Encroachment of HCF A on the regulatory control of physical therapy
- Involvement of students on the committee that administers the exam in order to gain input on testing centers, the test application process, and score reporting
- Development of a standardized pathway for entry of foreign-educated Physical Therapists into the United States.

Frankie Cayton, Shirley Wooton and I spent a meaningful three days exchanging information with other State Boards. There is nothing quite like face to face communication.

- - Sally Oxley Pt - -

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For more information regarding the Federation of State Boards of Physical Therapy and other upcoming meetings, please check out their Web Address at: [www.fsb.org](http://www.fsb.org)

## INFORMATION REGARDING CONTINUING EDUCATION

By: Conda Mace, Administrative Assistant

1. Check the Board's web site at [www.wvbopt.com](http://www.wvbopt.com)  
Courses that have been reviewed and approved by this Board are listed. List is updated weekly.
2. If the course you are interested in is not listed, you may submit a copy of the brochure or other printed materials pertaining to the course...make sure that all 7 of the Guidelines are covered. There is a **\$5.00 fee** for Physical Therapists and Physical Therapist Assistants to submit a course for Board review. (See Regulatory Law...Title 16, page 6, effective June 1,2000 for a list of fees.)
3. Once the Board Office receives a response from the reviewing Committee, the person who submitted the course for review will be sent a letter stating whether or not the course is approved for Continuing Education credit. Licensees should keep this letter and any correspondence pertaining to the course they take, such as brochures, certificate of attendance, and payment receipt. The certificate of attendance should state the Licensee's name, name of course, date of course, number of contact hours granted, and the signature of the Presenter or appropriate individual representing the Presenter.
4. Please do not fax information into the Board Office that is not legible. If in doubt, obtain a better copy and mail it to the Board Office. Since reviewing material involves a process, the material must be submitted to the Board Office 4 to 6 weeks before the actual seminar, or the registration date. Non-compliance with these requirements, slows this process down or makes it impossible to get an answer back to the Licensee in ample time to register for the course.
5. The Board Office requests that you do not make phone or fax inquiries about course approval but that you check the web site. If a course is pending, check the web site regularly to see if it has been approved. The web site lists the course title with the name of the speaker/presenter or provider of the course, giving the date and location (if it is not an on-going home study course), and sometimes providing you with a contact telephone number.
6. The Office staff would like to encourage you to obtain your ten contact hours prior to the month of December (when licenses are being renewed) in order that the process can be started and completed in a timely manner.

- - Conda Mace, Ad. Ass't. - -

INVESTIGATION OF COMPLAINTS (By: Cynthia A. Fox PT)

The mission of the WV Board of Physical Therapy is to protect the public. To this end, we investigate all alleged violations of the WV Law governing the practice of physical therapy.

Complaints are processed as follows:

1. A complaint form is provided to the person making the accusation (the "complainant"). A copy of the completed form is forwarded to the PT/PTA against whom the complaint is lodged (the "respondent"), who is given 21 days in which to answer the complaint.
2. That response is in turn provided to the complainant, who is allowed 21 days to comment on the response.
3. The disciplinary committee takes up the matter at its next scheduled conference. The committee will decide to: (a) dismiss because there are no grounds for disciplinary action; (b) refer the case to another authority because we lack jurisdiction; (c) recommend to the board that there are reasonable grounds for discipline, with the matter proceeding to a hearing if the respondent desires one; or (d) further investigate. Further investigation may be carried out by a member or staff of the board, or by an agent employed by the board.

The Complaint Form

The complaint process often begins with a phone call. Before an investigation can begin, we require the complainant to complete a standard complaint form. This has been a source of frustration for some complainants, who perceive this as an unnecessary inconvenience, an undesirable delay, or even an intentional impediment. In actuality, the board has worked to simplify the language of the form, and to reduce it to a single page. Further, staff members make themselves available to assist anyone with completing the form. A written record of the complaint, in the complainant's own words, is the basis for all further investigation. Even letters of complaint often lack the vital pieces of information, without which attempted investigation would grind to a halt.

Sometimes a complainant, fearing reprisals, will anonymously lodge a complaint, or indicate he will deny his allegation if his identity is revealed to the respondent. While these fears are understandable, anonymous complaints are nearly impossible to investigate. Anonymous complaints often suggest that the board perform its own undercover infiltration, or "stake out" a clinic to monitor for illegal activity. In reality, such heroic measures are not possible given the limited financial resources of the board. We rely on the courage of individuals who, because of their unique positions, already have access to much of the necessary information.

- - Cynthia Fox PT - -

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The next installment: WHY DIDN'T THE BOARD PURSUE MY COMPLAINT !?!

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## Commonly Asked Questions

**Question:**

1. Does the WV State Law allow athletic trainers to work with others besides those with athletic injuries?

**Answer:**

Athletic Trainers are not regulated by the State of WV. When working in a Physical Therapy setting they work under the direct supervision of a Physical Therapist and perform such delegated tasks as are commensurate with their education and training.

**Question:**

2. Is a Physical Therapist Assistant permitted under their license to perform Functional Capacity Evaluations (FCE's)?

**Answer:**

"No", a Physical Therapist Assistant cannot do FCE's. Evaluations may only be performed by a PT

**Question:**

3. Do Massage Therapists who are licensed in WV count as PT "supportive personnel" when employed and utilized within their own scope of practice in a PT private practice clinic? In this scenario, the Massage Therapist is working under the "Physical Therapy Plan of Care".

**Answer:**

"Yes", a Massage Therapist would count as PT supportive personnel in the above scenario.

**Question:**

4. If the utilization of a Massage Therapist is legal (as mentioned in the previous question), is the PT liable for acts performed by the licensed Massage Therapist as would be the case for PT A's and Aides in the direct care of the patient?

**Answer:**

"Yes", the PT is legally responsible for the Massage Therapist.